

FILED
Clerk
District Court

NOV 18 2005

Robert Tenorio Torres
Attorney at Law
Plata Drive, Whispering Palms (Chalan Kiya)
P.O. Box 503758
Saipan, MP 96950

For The Northern Mariana Islands
By _____
(Deputy Clerk)

Tel: (670) 234-7859
Fax: (670) 234-5749

Attorney for Defendant DAI, Xiao Jun

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN MARIANA ISLANDS**

**UNITED STATES OF
AMERICA,**

Plaintiff,

vs.

DAI, XIAO JUN,

Defendant.

Criminal Case No. 05-00022

**DEFENDANT DAI XIAO
JUN'S SECOND MOTION
TO SUPPRESS EVIDENCE**

Date: NOV 23 2005

Time: 9:00 a.m.

Judge: Hon. Alex R. Munson

Pursuant to the Fourth Amendment to the United States Constitution,
Defendant Dao, Xiao Jun, by and through counsel, hereby moves the court
to suppress and exclude all evidence obtained as a result of the illegal
search on or about June 20, 2005 of that certain express mail parcel
addressed to Chen Jian at PMB 212, P.O. Box 10002, in Saipan, 96950.

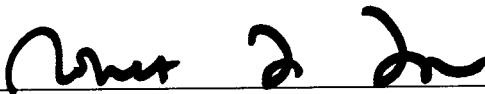
This Motion is based on grounds that United States Customs Officials
were not empowered to search the international mail parcel destined for

Robert Tenorio Torres
Attorney at Law
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(670) 234-7859

1 delivery outside the customs territory of the United States and because these
2 Government Agents lacked any facts to prompt interference with the
3 Package.

4 This Motion is supported by the Memorandum of Points and
5 Authorities filed contemporaneously herewith; the Exhibits filed
6 concurrently with this Motion, the court's file in this case, and such exhibits
7 and testimony as may be introduced at the hearing of this matter.
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10 Respectfully submitted this 17th day of November, 2005.

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14 ROBERT T. TORRES F0197
15 Attorney for Dai, Xiao Jun
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Robert Tenorio Torres
Attorney at Law
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